

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Christopher J. Horvath and Patricia E. Rao

Application No.: 10/662,061

Group: 1644

Filed: September 12, 2003

Examiner: P. Gambel, Ph.D.

Confirmation No.: 1933

For: METHOD OF INHIBITING STENOSIS AND RESTENOSIS

CERTIFICATE OF MAILING OR TRANSMISSION

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REPLY TO RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This Reply is filed in response to the Restriction Requirement dated October 16, 2006. An extension of time to respond to the Restriction Requirement is respectfully requested. A Petition for an Extension of Time and the appropriate fee are being filed concurrently.

In the Restriction Requirement, the Examiner required 1) election of a species of first therapeutic agent from species A)-G), 2) election of a species of second therapeutic agent from species H)-L), 3) election of a species of "cytokine," 4) election of a species of "cancer therapeutic agent," and 5) election of a species of vascular procedure.

Applicants elect species E), an anti-CD18 antibody that inhibits binding of ICAM-1, as the species of first therapeutic agent; species H), an anti-CCR2 antibody that inhibits binding of MCP-1, as the species of second therapeutic agent; and angioplasty as the species of vascular procedure.

Applicants traverse the requirements for elections of a species of "cytokine" and a species of "cancer therapeutic agent," which appear to have been made in error. The claims do not state that a "cytokine" or "cancer therapeutic agent" is administered, and the Examiner has not defined the patentably distinct species in the Restriction Requirement. Applicants respectfully request clarification of these requirements, if the Examiner believes that the requirements were not made in error.

To the extent that the requirement for election of a species of "cytokine" is considered to be proper by the Examiner, Applicants elect the chemokine MCP-1 as the "cytokine." Applicants are not able to make an election of a species of "cancer therapeutic agent" because the application does not disclose cancer therapeutic agents.

Claims readable on the elected species are Claims 1-3, 5-8, 10, 12, 14, 16, 18, 22, 23, and 34-39.

Applicants reserve the right to file a continuing application or take such other appropriate action as deemed necessary to protect the non-elected inventions. Applicants do not hereby abandon or waive any rights in the non-elected inventions.

Respectfully submitted,

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